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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,926	03/15/2000	Richard A. Smith	62-184	9870

7590 12/23/2003

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EXAMINER

DINH, DUNG C

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 12/23/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/525,926	SMITH ET AL.	
	Examiner	Art Unit	
	Dung Dinh	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 08 September 2003.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-50 is/are pending in the application.

4a) Of the above claim(s) 13-19 and 32-38 is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12, 20-31, 39-50 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

    1. Certified copies of the priority documents have been received.

    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 9/8/03 have been fully considered but they are deemed moot in view of new ground of rejection below.

The indicated allowability of claims 12, 31, and 50 are withdrawn in view of the newly found art applied in the rejection below.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --*

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-5, 9, 20-24, 28, 39-43, and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Bunney et al. US patent 6,446,112.**

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As per claim 1, Bunney teaches a method for providing access to channel of an Internet Chat Relay group to a mobile device, comprising:

placing a mobile chat proxy server [fig.5 chat proxy 20] in a direct communication path between a standard IRC server [fig.#5 IRC server 40] and a wireless gateway server supporting said mobile device [it is well known in the art that a mobile device (e.g. mobile phone) establish a data connection to a network via a wireless gateway. The wireless gateway is inherent in Bunney system in order for the mobile device 3 to connect to the proxy 20 shown in fig.5];

wherein the mobile chat proxy server forwards chat commands from said mobile device to said standard IRC server. [see col.1 lines 18-20, col.3 lines 38-20, col.10 lines 60 to col.11 lines 49].

As per claim 2, Bunney discloses the mobile device participate in said chat channel [col.11 lines 25-49].

As per claim 3, Bunney discloses the mobile device being a mobile telephone [col.3 lines 38-20].

As per claim 4, Bunney discloses the mobile device originated the access to the IRC channel [col.12 lines 9-15].

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As per claim 5, Bunney discloses the proxy server interprets the IRC commands from the mobile device [col.11 line 41-48, col.12 lines 1-11].

As per claim 9, since the proxy server is on the Internet, it is inherent that Bunney has a wireless Internet gateway between the mobile device and the proxy server in order for the mobile device to be in communication with the proxy server as explained in the rejection of claim 1 above.

As per claims 20-24, 28, and 39-43, 47, they are rejected under the same rationale as for claims 1-5 and 9 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.*

**Claims 12, 31, and 50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunney et al. US patent 6,446,112.**

As per claims 12, 31, and 50, Bunney does not specifically disclosing ghosting the channel. However, ghosting is an

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equivalent IRC "mode +i" command [see Applicant' specification page 28]. It would have been obvious for one of ordinary skill in the art to provide full-set of IRC commands functionality in the proxy server including the ghosting function because it would have enabled compatibility and permitted the user to fully participate in the standard Internet Chat Relay service.

**Claims 1-12, 20-31, 39-50 are rejected under 35 USC 103(a) as being unpatentable over Burgan et al. US patent 6,459,892 and further in view of Bunney et al. US patent 6,446,112 and "WebTV to IRC Proxy debuts on SorceryNet", USENET posting in alt.online-service.webtv 10/18/1999.**

As per claim 1, Burgan teaches a method for providing access to chat channel from a mobile device, comprising:

placing a mobile chat proxy server [fig.1 chat proxy 48] in a direct communication path with a wireless gateway server [fig.1 system controller 22] supporting said mobile device.

Burgan does not teach the chat proxy server connected to a standard IRC server.

Bunney teaches a method for permitting mobile device to originate chat session with a standard IRC server by providing a chat proxy server in direct communication with the standard IRC server so that the chat proxy server forwards chat commands from

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said mobile device to said standard IRC server. [see col.1 lines 18-20, col.3 lines 38-20, col.10 lines 60 to col.11 lines 49].

"WebTV to IRC Proxy debuts on SorceryNet" posting advertised a chat proxy for permitting WebTv user to chat in IRC network by facilitating connection, translating and forwarding of commands from the WebTv user to the IRC server.

Hence, one of ordinary skill in the art would have motivate to combine the teaching of Bunny and the posting to provide a chat proxy in communication with a standard IRC server in Burgan because it would have enable user of Burgan to chat with world wide users in the standard IRC network.

As per claim 2, Bunney discloses the mobile device participated in said chat channel [col.11 lines 25-49].

As per claim 3, Bunney discloses the mobile device being a mobile telephone [col.3 lines 38-20].

As per claim 4, Bunney discloses the mobile device originated the access to the IRC channel [col.12 lines 9-15].

As per claim 5, Bunney and the posting discloses the IRC proxy server interprets the IRC commands from the mobile device [Bunney col.11 line 41-48, col.12 lines 1-11].

As per claims 6 and 7, the references do not specifically disclose communication with the mobile device via IWF or SMPP interfaces. These interfaces are well known protocols for

communicating data and text to mobile devices. Hence, it would have been obvious for one of ordinary skill in the art to use IWF and SMPP because it would have ensured the system compatibility with existing mobile devices.

As per claims 8 and 46, it is well known in the art mobile communication system provides short message system controller for communicating message among mobile devices. Hence, it is inherent that the system as modified would have a short message system controller. Furthermore, it would have been obvious for one of ordinary skill in the art to do so because it would have enabled the system to provide text messaging compatible with large number mobile devices.

As per claims 9, 10 and 48, it is well known in the art to provide a wireless Internet gateway for connecting a mobile device to the Internet. IRC chatting requires an access to the Internet; hence, it is inherent that Burgan system as modified would have a wireless Internet gateway. Furthermore, it would have been obvious for one of ordinary skill in the art to provide a wireless Internet gateway because it would have enable the wireless clients to browse the Internet as well as participating in IRC network.

As per claim 11, Burgan teaches summoning other mobile device to join a chat channel [col.3 line 65 to col.4 line 9].

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As per claims 20-30, and 39-45, 47, 49, they are rejected under the same rationale as for claims 1-11 above.

As per claims 12, 31, and 50, they are rejected under the same rationale as for claim 1 above. The references does not specifically disclose a ghost command. However, ghosting is merely a standard IRC "mode +i" command [see Applicant's specification page 28]. It would have been obvious for one of ordinary skill in the art to provide full-set of IRC commands functionality in the proxy server including the ghosting function because it would have enabled compatibility and permitted the user to fully participate in the Internet Chat Relay service.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (703) 305-9655. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (703) 305-4792.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group 2100 Customer Service whose telephone number is (703) 306-5631.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, DC 20231

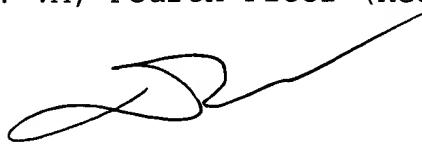
**or faxed to: (703) 872-9306**

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Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA, Fourth Floor (Receptionist).



Dung Dinh  
Primary Examiner  
December 17, 2003